

AWARE that such sharing of responsibility must ensure in practice that persons in need of international protection are identified and that the possibility of indirect breaches of the fundamental principle of non-refoulement are avoided, and therefore determined to safeguard for each refugee status claimant eligible to pursue a refugee status claim who comes within their jurisdiction, access to a full and fair refugee status determination procedure as a means to guarantee that the protections of the Convention, the Protocol, and the Torture Convention are effectively afforded;

HAVE AGREED as follows:

ARTICLE 1

1. In this Agreement,

(a) **"Country of Last Presence"** means that country, being either Canada or the United States, in which the refugee claimant was physically present immediately prior to making a refugee status claim at a land border port of entry.

(b) **"Family Member"** means the spouse, sons, daughters, parents, legal guardians, siblings, grandparents, grandchildren, aunts, uncles, nieces, and nephews.

(c) **"Refugee Status Claim"** means a request from a person to the government of either Party for protection consistent with the Convention or the Protocol, the Torture Convention, or other protection grounds in accordance with the respective laws of each Party.

(d) **"Refugee Status Claimant"** means any person who makes a refugee status claim in the territory of one of the Parties.

(e) **"Refugee Status Determination System"** means the sum of laws and administrative and judicial practices employed by each Party's national government for the purpose of adjudicating refugees status claims.

(f) **"Unaccompanied Minor"** means an unmarried refugee status claimant who has not yet reached his or her eighteenth birthday and does not have a parent or legal guardian in either Canada or the United States.

2. Each Party shall apply this Agreement in respect of family members and unaccompanied minors consistent with its national law.

ARTICLE 2

This Agreement does not apply to refugee status claimants who are citizens of Canada or the United States or who, not having a country of nationality, are habitual residents of Canada or the United States.